



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF S-G-S-, INC.

DATE: APR. 1, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a professional staffing company, seeks to permanently employ the Beneficiary as a software engineer. It seeks classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act (the Act) § 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director, Nebraska Service Center, denied the petition. We affirmed the Director's decision on appeal, concluding that the record did not establish the Beneficiary's qualifying experience for the offered position or the Petitioner's ability to pay the proffered wage.

The matter is now before us on the Petitioner's motions to reopen and reconsider. The Petitioner asserts that we erred in our conclusions. We will summarily deny the motions.

On February 8, 2016, we mailed the Petitioner a notice of intent to deny (NOID) the motions, with a copy to counsel of record. The NOID informed the Petitioner that the record did not establish its ability to pay the proffered wage or the Beneficiary's qualifying experience for the offered position. The NOID also described derogatory information regarding the Beneficiary's qualifying experience on the accompanying labor certification. The NOID allowed the Petitioner 33 days in which to submit a response.

As of the date of this decision, we have not received a response to the NOID. We may summarily deny a petition where a petitioner does not respond to a notice of intent to deny by a required date. 8 C.F.R. § 103.2(b)(13)(i); *see also* 8 C.F.R. § 103.2(b)(14) (requiring a petition's denial where requested evidence that precludes a material line of inquiry is not submitted). Because the Petitioner did not respond to the NOID, we will summarily deny the motions pursuant to 8 C.F.R. § 103.2(b)(13)(i).

In visa petition proceedings, a petitioner bears the burden of establishing eligibility for the immigration benefit sought. INA § 291, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

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ORDER: The motion to reopen is denied

FURTHER ORDER: The motion to reconsider is denied.

Cite as *Matter of S-G-S-, Inc.*, ID# 10487 (AAO Apr. 1, 2016)